

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA RECOMMENDING THE CITY COUNCIL DECLARE A 20-FOOT BY 30-FOOT (600-SQUARE-FOOT) PARCEL KNOWN AS APN 003-182-013 SURPLUS PROPERTY (SP-21-0001), AND SUMMARILY VACATE THE APPROXIMATELY 20-FOOT BY 130-FOOT RIGHT-OF-WAY EASEMENT OVER APNs 003-182-013 AND -014 (SV-21-0001)

WHEREAS, the applicant, Alan Tirsbeck, is requesting the City of Eureka surplus and convey a City-owned 20-foot by 30-foot (600 square foot [sf]) landlocked parcel known as Assessor's Parcel Number (APN) 003-182-013 to the adjoining property owner (Alan Tirsbeck; APN 003-182-005; 2000 Broadway), and vacate an approximately 20-foot by 130-foot alley easement over APNs 003-182-013 and -014, of which the APN ending in -014 is also owned by the applicant; and

WHEREAS, APNs 003-182-013 and -014 together are known as "the Notch" and were created in the distant past for a 20-foot-wide public alley from Broadway which was never developed, and the intent of the surplus and vacation is to allow future development and use of the Notch in combination with the surrounding larger 2000 Broadway parcel; and

WHEREAS, the land use and zoning designations over the Notch are General Service Commercial (GSC) and Service Commercial (SC), and the minimum parcel size for properties in the CS zoning district is 6,000 sf with a minimum lot width of 60 feet and a minimum lot length of 100 feet, and the 600-sf parcel does not meet these standards; and

WHEREAS, the Surplus Land Act (California Government Code [CGC] Section 54220 et seq.) requires Local Agencies, including the City, to comply with the requirements of the Act before disposing of Surplus Land; and

WHEREAS, the 600-sf parcel qualifies as "exempt surplus land" pursuant to Government Code CGC §54221(f)(1)(B), because it is less than 5,000 sf in area, is not used for open space or low- and moderate-income housing purposes, and is anticipated to be conveyed to the owner of the contiguous parcel, Alan Tirsbeck; therefore, no notice to, or negotiation with, housing sponsors is required, but because the parcel is located in the Coastal Zone, the City must notice the availability of the land for open-space purposes, wait 60 days for any responses, and negotiate in good faith for a minimum of 90 days with any entity interested in using the lands for open-space purposes, prior to having the opportunity to dispose of the property to Alan Tirsbeck; and

WHEREAS, CGC §65402(a) requires that prior to the City Council disposing of City-owned property or vacating an alley right-of-way within City limits, the location, purpose and extent of the proposed disposition and vacation must be submitted to and reported upon by the Planning Commission to the City Council as to conformity with the adopted General Plan; and

WHEREAS, City of Eureka Policy and Procedure File 2.01, Sale of City-Owned Real Property, requires the Planning Commission's review to determine whether the parcel is necessary for agency (City's) use; whether the parcel is of such size and shape to allow development of uses permitted in the zone in which it is located; and whether the disposition of the property is in

conformance with CGC Section 65402; and,

WHEREAS, City of Eureka Policy and Procedure, File 4.02, Vacation of City Street, Alley, or Easement describes the process to administer the vacation procedures outlined in California Streets and Highways Code (SHC) §8300 et seq., which grants authority to vacate public right-of-way within the City limits to the Eureka City Council; and

WHEREAS, there is no City of Eureka public project identified for the property in the adopted Capital Improvement Program (CIP) 2023 (Fiscal Years 2023-24 Trough 2027-28), and the City-owned 600-sf parcel and the 20-foot by 130-foot right-of-way easement have not been used for public purposes; and

WHEREAS, the City Council's pending decision to surplus the 600-sf parcel and summarily vacate the 130-foot by 21-foot alley easement (a decision for which the Planning Commission is providing analysis pertaining to the conformance of the surplus property and summary vacation with the City of Eureka's 2040 General Plan and Local Coastal Program) is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, an Initial Study (IS) and Mitigated Negative Declaration (MND) has been prepared for the proposed surplus property and summary alley vacation within the larger 2000 Broadway parcel, as well as for a proposed LCP Amendment to change the land use and zoning designations on 936 W Hawthorne Street which adjoins 2000 Broadway to the west (under the same ownership); and

WHEREAS, the IS/MND (State Clearinghouse [SCH] No. 2024010027) and Notice of Intent to Adopt (NOI) was posted for review and comment in accordance with the provisions of CEQA from January 3, 2024 to February 2, 2024; and a City Council public hearing will be scheduled in the future for adoption of the MND; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Planning Commission must consider the proposed MND before making its recommendation; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on February 14, 2024 at 5:30 p.m. via Zoom and in person in the Council Chamber to consider the request; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the proposed surplus and summary vacation in accordance with CGC §§54220 et seq. and 65402, SHC §8300 et seq., City of Eureka Policy and Procedure File 2.01, Sale of City-Owned Real Property, and City of Eureka Policy and Procedure, File 4.02, Vacation of City Street, Alley, or Easement, and after due consideration of the proposed MND, the Mitigation Monitoring and Reporting Program, and all testimony, evidence, and reports offered at the public hearing, does hereby find and report the following facts:

1. The 600-sf City-owned parcel does not meet the definition of "agency's use" in California CGC §54221, and is therefore not necessary for the "agency's use."
2. The size and shape of the 600-sf parcel is not of a suitable size to accommodate its own new development allowed in the CS zoning district, but it is suitable to be combined with the larger surrounding parcel (2000 Broadway) with the same zoning designation, which is the intent of the surplus and vacation.
3. The 2040 General Plan and Local Coastal Program, as well as the City's CIP (fiscal years 2023-24 through 2027-28) are silent with regard to the necessity of retaining the 600-sf parcel for City public use.
4. The location, purpose, and extent of the proposed surplus and right-of-way easement summary vacation conform with the adopted 2040 General Plan and certified Local Coastal Program, as described in the staff report.
5. With the mitigation measures outlined in the draft IS/MND, no substantial adverse environmental impact will result from the proposed surplus property and summary vacation.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby recommend the City Council declare the 600-sf parcel surplus property and summarily vacate the 20-foot by 130-foot right-of-way easement.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 14th day of February, 2024 by the following vote:

AYES: COMMISSIONER
 NOES: COMMISSIONER
 ABSENT: COMMISSIONER
 ABSTAIN: COMMISSIONER

 Meredith Maier, Chair, Planning Commission

Attest:

 Cristin Kenyon, Executive Secretary

